

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SHELBY DAVIS, et al.,

Plaintiffs,

Civil Action No. 17-CV-13611

vs.

HON. BERNARD A. FRIEDMAN

BAY REGIONAL MEDICAL CENTER, et al.,

Defendants.

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E.D.,

Plaintiff,

Civil Action No. 17-CV-13612

vs.

HON. BERNARD A. FRIEDMAN

BRADLEY W. MERRILLS, et al.,

Defendants.

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**ORDER GRANTING THE UNITED STATES’  
MOTION IN 17-13611 TO DISMISS**

In these consolidated cases, the United States has moved for dismissal in 17-13611 due to plaintiffs’ failure to exhaust their administrative remedies under the Federal Tort Claims Act (“FTCA”) prior to commencing suit. Plaintiffs do not appear to contest this motion, although they argue that it is moot because the federal defendants were not served with process in 17-13611 before the summonses expired and because the related case, 17-13612, was commenced after the FTCA pre-suit requirements were met. Plaintiffs do not challenge the United States’ assertion that they did not exhaust the FTCA pre-suit requirements before commencing suit in 17-13611. Accordingly,

IT IS ORDERED that the United States’ motion to dismiss is granted in 17-13611

only. That case will proceed as to the non-federal defendants. The related action, 17-13612, is unaffected by this order.

Dated: April 16, 2018  
Detroit, Michigan

s/Bernard A. Friedman  
BERNARD A. FRIEDMAN  
SENIOR UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on April 16, 2018.

s/Johnetta M. Curry-Williams  
Case Manager